(ii) Sixty-fourth Report on Action Taken by the Government on the recommendations/observations of the Committee contained in its Fifty-seventh Report on Demands for Grants 2002-2003 of Ministry of Shipping.

MATTER RAISED WITH PERMISSION OF CHAIR

Statement on Prosecution of Accused in Babri Masjid Demolition

SHRI KAPIL SIBAL (Bihar) : Thank you, Madam Deputy Chairman. I am grateful for the permission granted to me for raising an issue that has concerned all of us for several years now. Madam, you might remember that on the 6th December, 1992, an unfortunate incident happened, pursuant to which a prosecution was launched; FIRs were filed; and, in 1995, charge sheets were filed against two sets of accused. That matter went on for one reason or another. The matter kept on getting delayed, and recently, the Supreme Court directed, *qua* one set of accused which also includes the Deputy Prime Minister and others, that the matter should be filed in the ordinary court, different from the court that is trying the other set of accused. And, a couple of days ago, we learnt that the Rae Bareli court is going to take up the matter. I do believe, however, that, in fact, there is no particular judge who is assigned to the case yet. But, be that as it may, Madam, we believe that the Supreme Court had passed an order some time in November-December, 1992, wherein the Supreme Court said that in the absence of a notification, the matter can't be tried in the original court and must be tried in the ordinary court at Rae Bareli. But, unfortunately, since November, nothing has happened. It is only a couple of days ago that, in fact, a prosecution was launched.

What concerns us is that an incident has happened in 1992, and eleven long years have been taken to see the initial stage of prosecution launched. It is history in this country. I do believe that this has nothing to do with delay of courts, because no court takes eleven long years to start the process of prosecution. So, obviously, there has been some element of interference, purposeful delay, to ensure that the process of court doesn't go on. That is a matter of concern to all of us. Just as I have seen the dignitaries making public statements that the issue of Ram Janmabhoomi should be decided very quickly, expeditiously and courts must go for trial on

a day-to-day basis, we have not seen similar statements being made by those very Ministers in respect of prosecution because as well all know, whosoever high he may be, the law is always above him. We believe that the law is being denigrated, the process of law is purposely being delayed. So, we expect the Minister to make a statement in this regard as to what expeditious steps the CBI has taken since 1992 for the prosecution of the dignitaries and other accused in this particular case. We expect a statement from the Minister and that is what we want. *...(Interruptions)...*

THE DEPUTY CHAIRMAN: I think if I am in the Chair, you have given me the responsibility to handle the House. And that is why I am here. If there is anything you are objecting to, I will take note of it. But. please let us start the business in a peaceful manner. *...(Interruptions)...*

SHRI KAPIL SIBAL: Madam, I wanted to know whether the House will be informed as to what steps have been taken in this case. *...(Interruptions)...*

THE DEPUTY CHAIRMAN: The Minister of Parliamentary Affairs is here. *...(Interruptions)...* He must have noted it. *...(Interruptions)...* He would have noted it. *...(Interruptions)...* I cannot give a direction. *...(Interruptions)...*

SHRI NILOTPAL BASU (West Bengal): It is a very serious matter. *...(Interruptions)...* Let the Government respond. *...(Interruptions)...*

THE DEPUTY CHAIRMAN: Now, please allow Mr. Cho Ramaswamy to speak. *...(Interruptions)...*

THE LEADER OF THE OPPOSITION (DR. MANMOHAN SINGH): Madam, my hon. colleague has raised a very important matter of great public importance - the enforcement of the rule of law in our country. This is a matter in which, high dignitaries holding high offices of State are involved. We expect the hon. Minister, to respond to the query that Shri Kapil Sibal has raised. *...(Interruptions)...*

THE DEPUTY CHAIRMAN: Now Mr. Cho Ramaswamy. *...(Interruptions)...*

SHRI S.S. AHLUWALIA (Jharkhand): The Bofors case has taken 18 years. *...(Interruptions)...* It is still in the court. *...(Interruptions)...* What has happened to the case of 1984 riots? *...(Interruptions)...* People are not

getting justice. *...(Interruptions)...*

श्री सुरेश पचौरी (मध्य प्रदेश) **:** जब बोफोर्स का मामला था ....(व्यवधान)... तब तुम कहां थे अहुलवालिया जी....(व्यवधान)... यह बिल्कुल इररिलेवेन्ट बात है मैडम....(व्यवधान)...

THE DEPUTY CHAIRMAN: Order please. *...(Interruptions)...* Order in the House, please...*(Interruptions)...* Mr. Cho Ramaswamy. *...(Interruptions)...* No, no, nothing should be discussed on it. *...(Interruptions)...* I will not permit. *...(Interruptions)...* Please take your seat. *...(Interruptions)...* Please sit down. *...(Interruptions)...* I am not giving any direction. *...(Interruptions)...* I won't. *...(Interruptions)...* I do not give any direction. *...(Interruptions)...* You took the permission of the Chair आप बैठिए न ....(व्यवधान)... The hon. Chairman allowed Mr. Kapil Sibal. *...(Interruptions)...* The Leader of the Opposition has also spoken. *...(Interruptions)...* That matter ends here. *...(Interruptions)...* Do not infringe on the right of a Member. *...(Interruptions)...*

श्री सुरेश पचौरी: इनको वक्तव्य देना चाहिए और अपनी स्थिति स्पष्ट करनी चाहिए ....(व्यवधान)... यह बहुत गंभीर मामला है....(व्यवधान)... सरकार को इस सदन में रिप्लाई देनी चाहिए ....(व्यवधान)... लेकिन अहलुवालिया जी कब से रिप्लाई देने लगे ....(व्यवधान)...

श्री प्रेम गुप्ता (बिहार)**:** डिसीजन नहीं है मैडम, लेकिन जो सच्चाई है उसे तो स्पष्ट करना चाहिए।

THE DEPUTY CHAIRMAN: Just one minute. *...(Interruptions)...* It was agreed and the Leader of the Opposition had told the Chairman that he would mention it and there would be no discussion on it, no talk on it. *...(Interruptions)...* That is all बोलिए मिस्टर चो. रामास्वामी ....(व्यवधान)... देखिए। प्रेजीडेंट के मोशन आफ थैंक्स के लिए जो लोग बैठे हैं ....(व्यवधान)...

श्री सुरेश पचौरी: महोदया, यह बड़े अफसोस की बात है कि एक तरफ तो सरकार कार्यवाही नहीं कर रहीं है ....(व्यवधान)... और सरकार की तरफ से अहलुवालिया जी रेप्लायी दे रहें हैं।....(व्यवधान)...

SHRI NILOTPAL BASU: Madam, we have raised a very important question. The Government should respond to it *...(Interruptions)...*

DR. MANMOHAN SINGH: Madam, it is not our intention, in any way, to disrupt the normal functioning of the House. A serious question has been raised and we expect the Government to respond to it. All that we are asking -- we are not interested in disrupting the House - is a response from the Government..*(Interruptions)...*

SHRI PRANAB MUKHERJEE (West Bengal): Let the Government respond ... *(Interruptions)...*

श्री मूल चन्द मीणा (राजस्थान)**:** मैडम, लॉ मिनिस्टर हैं **. ....**(व्यवधान)**...**

THE DEPUTY CHAIRMAN: Now, he is responding ... *(Interruptions)...* Please sit down... *(Interruptions)...*

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY): Madam, hon. Kapil Sibal and the hon. Leader of the Opposition have raised the issue with regard to a criminal case pending in some courts of U.P. Let me just mention that the case, as Mr. Sibal has mentioned, pertains to a chargesheet which was filed in 1993. The Government, whether in 1998 or in 1999, have, at no stage, interfered in the process of CBI in the conduct of this case. The Government have no intention of interfering in that matter. It is how the case goes on or how a criminal trial goes on is not a matter in which the Government interfere because the rights of the prosecution are involved, case of the prosecution is involved and rights of the accused are involved. The Government, in this matter, does not intend, in any way, to interfere... *(Interruptions)...*

THE DEPUTY CHAIRMAN: Mr. Ramaswamy *...(Interruptions)...* Now, the Government has responded *...(Interruptions)...* No, please, take your seats ... *(Interruptions)...*

SHRI KAPIL SIBAL: Madam, the Government is denigrating the court *...(Interruptions)...*

DR. MANMOHAN SINGH: Madam, this reply is, totally unacceptable and unsatisfactory. As a mark of our protest, we are walking out.

प्रो. रामगोपाल यादव (उत्तर प्रदेश)**:** हम भी असन्तुष्ट हैं**,** इसलिए हम भी वॉक आउट करते हैं।

(At this stage some hon. Members left the Chamber)

MOTION OF THANKS ON PRESIDENTS ADDRESS - (Contd.)

SHRI CHO S. RAMASWAMY (Nominated): Madam Deputy Chairman, I rise to make my submissions on just one issue, among the various issues, mentioned in President's Address. The hon. President has